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Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE
COMMISSION

Draft report of the Commission

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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Chapter

XVIII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XVIII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

1. The Commission considered agenda item 18 concurrently with item 9 (see chap. IX) at its 34th to 35th meetings, on 2 April, at its 37th to 39th meetings, on 3 April, at its 43rd and 45th meetings, on 7 April, and at its 58th meeting, on 11 April, at its 64th meeting on 15 April and at its 66th meeting on 16 April 1997. 1/
2. For the documents issued under agenda item 18, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.
3. At the 34th meeting, on 2 April 1997, statements were made by:
 - (a) Ms. Mona Rishmawi, independent expert on the situation of human rights in Somalia, in introduction of her report (E/CN.4/1997/88);
 - (b) Ms. Leila Takla, Chairperson of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.
4. At the 35th meeting, on 2 April 1997, statements were made by:
 - (a) Mr. Thomas Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia, in introduction of his report (E/CN.4/1997/85);
 - (b) Ms. Mónica Pinto, independent expert on the situation of human rights in Guatemala, in introduction of her report (E/CN.4/1997/90);
 - (c) Mr. Adama Dieng, independent expert on the situation of human rights in Haiti, in introduction of his report (E/CN.4/1997/89).
5. In the general debate on agenda item 18, statements 2/ were made by the following members of the Commission: Bangladesh (39th), Egypt (43rd), El Salvador (35th), India (35th), Japan (35th), Madagascar (43rd), Malaysia (39th), Netherlands (on behalf of the European Union) (39th), Pakistan (43rd), South Africa (43rd).
6. The Commission heard statements by the observers for Australia (43rd), Guatemala (38th), Kenya (43rd), Mongolia (45th), Nigeria (43rd), Poland (43rd), Togo (45th).
7. The Commission also heard statements by the following non-governmental organizations: Indian Council of Education (39th), International Commission of Jurists (38th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th).
8. A statement equivalent to the right of reply was made by the observer for Haiti (35th).

Assistance to Guatemala in the field of human rights

9. At its 58th meeting, on 11 April 1997, the representative of Mexico introduced draft resolution E/CN.4/1997/L.61, sponsored by Colombia, El Salvador, Guatemala, Mexico, Norway, Peru, Spain, the United States of America and Venezuela. Costa Rica, the Dominican Republic, Honduras, Italy, Nicaragua and Uruguay subsequently joined the sponsors.

10. The representative of Mexico orally revised the draft resolution as follows:

(a) At the end of the second preambular paragraph, the word "entities" was replaced by the word "actors";

(b) In the fourth preambular paragraph, the words "monitor the permanent" were replaced by the words "verify the definitive";

(c) In the sixth preambular paragraph the words "in some cases involving" were replaced by "in which, in some cases, "; after "Government officials", the word "participated" was inserted.

(d) In the seventh preambular paragraph, after the words "and discrimination", the words "suffered by" were replaced by the word "that"; after the words "in Guatemala", the words "suffered and are suffering" were inserted;

(e) At the end of operative paragraph 1, the word "preparation" was replaced by the words "drawing up";

(f) At the end of operative paragraph 3, the word "during" was replaced by the word "in";

(g) In operative paragraph 4, the word "judicial" was inserted before "proceedings";

(h) In operative paragraph 6, the word "implementing" was replaced by "compliance with";

(i) In operative paragraph 8, the word "multilingual" was replaced by the word "plurilingual";

(j) In operative paragraph 9, the words "to enable", were replaced by the words "with a view to enabling";

(k) In operative paragraph 10, the word "consultation" was replaced by the word "concertation";

(l) Operative paragraph 14 was deleted. It read as follows: "Requests the Secretary-General to terminate the mandate of the independent expert and, taking account of the verification work of MINUGUA and of the information

provided by the Government of Guatemala and the non-governmental human rights organizations, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evaluation and development of measures adopted by the Government and other bodies concerning the provision of advisory services in the field of human rights to the Government of Guatemala and the non-governmental human rights organizations;"

(m) Operative paragraph 15 was renumbered as paragraph 14, and the phrase "and regrets her resignation presented to the Secretary-General in March this year." was inserted at the end of the paragraph;

(n) A new paragraph 15 was added.

11. Statements in connection with the draft resolution were made by the representatives of Canada, Mexico and the Netherlands and by the observer for Guatemala.

12. At the request of the representative of the Netherlands, the Commission postponed consideration of draft resolution E/CN.4/1997/L.61.

13. At its 64th meeting, on 15 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.61.

14. A statement in explanation of vote before the vote was made by the representative of Canada.

15. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

16. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/51.

Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

17. At the 58th meeting, on 11 April 1997, the representative of Germany introduced draft resolution E/CN.4/1997/L.65, sponsored by Argentina, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Greece, India, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, Nicaragua, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, South Africa, Spain, Sweden, Switzerland, Togo and Ukraine. Australia,

Bangladesh, Bolivia, Equatorial Guinea, Mali, Mongolia, New Zealand, the Philippines, Senegal, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, Uruguay and the United States of America subsequently joined the sponsors.

18. The draft resolution was orally revised by the representative of Germany as follows:

(a) At the end of the fourth preambular paragraph, the phrase "and taking also note of the recommendations of the Board of Trustees of the Voluntary Fund for Technical Cooperation" was added;

(b) In operative paragraph 1, "aimed at the development of" was replaced by the words "provided at the request of Governments with a view to developing";

(c) At the end of the same paragraph, the phrase "particularly since these activities are undertaken at the request of Governments;" was deleted;

(d) In operative paragraph 4, the words "effectively and encouraging them to strengthen human rights" were replaced by "in promoting and protecting human rights and strengthening";

(e) In operative paragraph 5, the words "may be seen as a complement to" were replaced by the words "does not exempt any country from" and the phrase "from which no Government is exempt" was deleted. In the same paragraph, before the word "produce", the word "help" was inserted;

(f) In operative 9, "projects for strengthening" was replaced by "the promotion of all". At the end of the paragraph, after the words "Development Programme and", the words "in order to execute joint" were replaced by "working together in the execution of".

19. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/46.

Assistance to Somalia in the field of human rights

20. At the 58th meeting, on 11 April 1997, the representative of Italy introduced draft resolution E/CN.4/1997/L.71, sponsored by Bulgaria, Canada, Denmark, France, Germany, Italy, Latvia, Norway, Portugal, the Republic of Korea, Romania, South Africa, Spain and Sweden. Australia, Ireland, Japan, New Zealand and the United States of America subsequently joined the sponsors.

21. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

22. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/47.

Assistance to States in strengthening the rule of law

23. At the 58th meeting, on 11 April 1997, the representative of Brazil introduced draft resolution E/CN.4/1997/L.72, sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, El Salvador, Ethiopia, France, Germany, Guatemala, Italy, Mozambique, Peru, Poland, Portugal, the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Algeria, Australia, Belgium, Benin, Gabon, Greece, Haiti, India, Madagascar, Mali, Mongolia, Nicaragua, Paraguay, Senegal and Togo subsequently joined the sponsors.

24. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/48.

Situation of human rights in Haiti

25. At the 58th meeting, on 11 April 1997, the observer for Venezuela introduced draft resolution E/CN.4/1997/L.78, sponsored by Argentina, Brazil, Canada, Chile, Denmark, the Dominican Republic, El Salvador, France, Greece, Haiti, Hungary, Nicaragua, Peru and Venezuela. Algeria, Germany, Honduras, Israel, Mexico, Spain, Sweden, the United States of America and Uruguay subsequently joined the sponsors.

26. The draft resolution was orally revised by the observer for Venezuela as follows:

(a) In operative paragraph 2, the phrase "as well as, more recently" was replaced by ", and takes note of";

(b) In operative paragraph 7, the word "inclusion" was replaced by "continuation".

27. The representative of the Netherlands proposed to amend the draft resolution by deleting, in operative paragraph 18, the phrase "with the support of the United Nations Population Fund;".

28. Statements in connection with the draft resolution were made by the representative of Ireland and the observer for Venezuela.

29. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.
30. At the request of the observer for Venezuela, consideration of the draft resolution was postponed.
31. At its 64th meeting, on 15 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.78.
32. At that meeting, the observer for Venezuela made the following additional oral revisions to the draft resolution:
- (a) In operative paragraph 7, after "continuation", insert "of the inclusion". In the same paragraph, replace "the establishment of a" by the words "takes note of the work of the";
 - (b) At the end of operative paragraph 18, delete the phrase "with the support of the United Nations Population Fund;".
33. A statement in connection with the draft resolution, as revised, was made by the representative of Ireland.
34. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/52.

Situation of human rights in Cambodia

35. At the 58th meeting, on 11 April 1997, the observer for Australia introduced draft resolution E/CN.4/1997/L.80, sponsored by Australia, Austria, Belgium, Canada, Germany, Ireland, Japan, the Netherlands, New Zealand, Norway, Romania and Sweden. France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.
36. A statement in connection with the draft resolution was made by the representative of Mexico.
37. A statement in explanation of vote before the vote was made by Indonesia (on behalf of the States members of the Association of South-East Asian Nations).
38. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/49.

Situation of human rights in Liberia

39. At the 66th meeting, on 16 April 1997, the Chairman, on behalf of the Commission, made the following statement concerning the situation of human rights in Liberia:

"The Commission on Human Rights, meeting in Geneva from 10 March to 18 April 1997, recalling the Chairman's statement on the situation of human rights in Liberia dated 24 April 1996, at the 62nd meeting of the fifty-second session of the Commission on Human Rights, and all previous Security Council resolutions on Liberia, in particular resolution 1041 (1996) of 26 January 1996, welcomes the signing of the Abuja agreement and the revised schedule of implementation in August 1996 by the factional leaders in Liberia. The Commission also welcomes the substantial progress made in the demobilization and disarmament of the warring factions in conformity with the schedule of implementation expected to culminate with a general election scheduled to take place in Liberia in May 1997, and urges all Liberians to move speedily towards reconciliation and the creation of a viable political and democratic order in their country.

"To this end, the Commission notes with appreciation that several political parties have been registered with the newly restructured Election Commission, headed by a non-factional chairman, and that plans are on the way to appoint a new head and other senior members of the judiciary.

"The Commission expresses its sincere appreciation to the Economic Community of West African States (ECOWAS) and the Economic Community of West African States Monitoring Group (ECOMOG), and notes the need for the strength of the peacekeeping troops on the ground to be increased in order to ensure security in the country during the election period. In this connection, the Commission calls upon all States Members of the United Nations system and intergovernmental and non-governmental organizations to provide Liberia with technical and financial assistance to cope with the humanitarian situation and to provide ECOMOG with necessary logistical and financial support to enable it to carry out its mandate.

"The Commission also expresses its appreciation to the States that have so far contributed to the United Nations Trust Fund on Liberia and

calls on other States to contribute generously to the Fund. It also expresses its gratitude to the Organization of African Unity, the United Nations, the International Committee of the Red Cross, non-governmental organizations and the international community for their efforts in delivering humanitarian assistance to and ensuring peace in Liberia.

"The Commission stresses the need for cohesion amongst the factions/parties, currently divided along ethnic groups, to abide by the terms of the Abuja Accord and the nation's electoral law, and encourages the Group of Nine West African States that meets monthly in Monrovia in order to give impetus to the issue of cohesion amongst the factions and to act as a check on any excesses of the factions.

"The Commission urges the Centre for Human Rights to provide at the end of the election and at the request of the Government of Liberia advisory services and technical assistance to enable it to revive the ailing human rights structures and mechanisms, and calls on the United Nations Secretary-General to consider sending international electoral monitors and human rights monitors to Liberia, at least during and after the election.

"The Commission decides to remain seized of the matter under agenda item 18 entitled 'Advisory services in the field of human rights'".



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REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
FIFTY-THIRD SESSION OF THE COMMISSION

DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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- XIX. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF
INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XIX. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF
ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON
RELIGION OR BELIEF

1. The Commission considered agenda item 19 concurrently with items 11 and 17 (see chaps. XI and XVII) at its 18th to 23rd meetings, from 21 to 25 March 1997 and at its 56th meeting, on 11 April 1997. 1/
2. For the documents issued under agenda item 19, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.
3. At the 18th meeting, on 21 March 1997, the Special Rapporteur on the question of religious intolerance, Mr. Abdelfattah Amor, introduced his report (E/CN.4/1997/91 and Add.1). At the 23rd meeting, on 25 March 1997, the Special Rapporteur made his concluding remarks.
4. In the general debate on agenda item 19, statements 2/ were made by the following members of the Commission: Belarus (22nd), China (22nd), Egypt (22nd), India (22nd), Ireland (21st), Malaysia (22nd), Pakistan (22nd), United States of America (21st).
5. The Commission heard statements by the observers for: Cyprus (21st), Greece (22nd), Iran (Islamic Republic of) (22nd), Israel (23rd), Sudan (22nd). A statement was also made by the observer for the Holy See (21st).
6. The Commission also heard statements by the following non-governmental organizations: Asian Cultural Forum on Development (21st), International Association for Religious Freedom (19th), International Association of Educators for World Peace (23rd), International Association of Jewish Lawyers and Jurists (20th), International Educational Development, Inc. (23rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (19th), International Federation of Human Rights Leagues (19th), International Indian Treaty Council (23rd), International Islamic Federation of Student Organizations (23rd), Pax Christi International (21st), United Towns Agency for North-South Cooperation (23rd), World Federation of United Nations Associations (20th), World Muslim Congress (21st), World Peace Council (23rd).
7. Statements in exercise of the right of reply or its equivalent were made by the representative of Mexico (23rd) and by the observers for Cyprus (21st) and Turkey (21st).

8. At its 56th meeting, on 11 April 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 19.

9. The representative of Ireland introduced draft resolution E/CN.4/1997/L.38, sponsored by Argentina, Australia, Austria, Belarus, Bosnia and Herzegovina, Canada, Côte d'Ivoire, Cyprus, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, the Netherlands, Portugal, the Republic of Korea, Romania, Senegal, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Venezuela. Bangladesh, Belgium, Bulgaria, Chile, Croatia, the Czech Republic, El Salvador, Estonia, India, Israel, New Zealand, the Philippines, Poland, San Marino, South Africa, Togo, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

10. The draft was orally revised by the representative of Ireland as follows:

(a) Operative paragraph 2 which read: "Expresses grave concern at and condemns all instances and forms of hatred or intolerance on the grounds of religion or belief;", was replaced by a new text;

(b) At the end of operative paragraph 3 (c), the phrase "including practices which violate the human rights of women and discriminate against women;" was added;

(c) In operative paragraph 3 (f), before "In accordance", the words "to exert utmost efforts" were inserted and after "human rights standards", the words "to exert their utmost efforts" were deleted;

(d) Operative paragraph 3 (g) which read: "To oppose acts of religious intolerance which violate the human rights of women and discriminate against women;" was deleted;

(e) In operative paragraph 6, the word "including" was replaced by the words "inter alia through";

(f) Operative paragraph 8 which read: "Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to continue to carry out his work with discretion and independence;", was replaced by a new text;

(g) In operative paragraph 9, "elements" was replaced by the word "actors";

(h) In operative paragraph 11, after "to ensure", the phrase "that appropriate measures are taken to this end, including the dissemination, as a matter of high priority" was replaced by "as a matter of priority, the widest possible dissemination".

11. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/18.



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DRAFT REPORT OF THE COMMISSION

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INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT
UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

XX. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. The Commission considered agenda item 20 at its 62nd to 63rd meetings, on 14 and 15 April, and at its 67th meeting, on 16 April 1997. 1/
2. For the documents issued under agenda item 20, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission, see annex .. to the present report.
3. At the 63rd meeting, on 15 April 1997, the Chairman-Rapporteur, Mr. Jan Helgesen, introduced the report of the working group on the draft declaration on its twelfth session (E/CN.4/1997/92).
4. In the general debate on agenda item 20, statements 2/ were made by the following members of the Commission: Chile (63rd), Madagascar (62nd), Netherlands (on behalf of the European Union and Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (62nd), United States of America (62nd).
5. The Commission heard statements by the observers for Australia (63rd) and Norway (63rd). The observer for Switzerland also made a statement (63rd).
6. The Commission also heard statements by the following non-governmental organizations: France Libertés: Fondation Danielle Mitterrand (63rd), International Federation of Human Rights Leagues (on behalf of Amnesty International, International Service for Human Rights, Pax Christi Internationalis, Transnational Radical Party, Andean Commission of Jurists, Association for the Prevention of Torture, Baha'i International Community, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, Human Rights Internet, Human Rights Watch, International Commission of Jurists, International Movement against All Forms of Discrimination and Racism, International Federation of ACAT, International Federation of Human Rights Leagues, Lawyers Committee for Human Rights, International League for the Rights and Liberations of Peoples) (63rd), International Service for Human Rights (on behalf of International Commission of Jurists, International Federation of Human Rights Leagues, International Federation of ACAT, International Service for Human Rights, International League for the Rights and Liberation of Peoples, Centre for Justice and International Law, Commission for the Defence of Human Rights in Central America, Andean

Commission of Jurists, World Christian Life Community) (62nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (63rd), Women's International Democratic Federation (63rd), World Organization against Torture (63rd).

7. Statements in exercise of the right of reply were made by the representatives of Cuba (63rd) and Malaysia (63rd).

Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

8. At the 67th meeting, on 16 April 1997, the observer for Norway introduced draft resolution E/CN.4/1997/L.101 sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Madagascar, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Colombia, Estonia, Luxembourg, New Zealand, Slovakia and the United States of America subsequently joined the sponsors.

9. The observer for Norway orally revised the draft resolution by deleting, at the end of operative paragraph 2, the words "at its fifty-fourth session;".

10. Statements in connection with the draft resolution were made by the representatives of Canada, Cuba and the Netherlands.

11. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

12. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/70.



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DRAFT REPORT OF THE COMMISSION

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

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- (d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

XXI. RIGHTS OF THE CHILD, INCLUDING:

- (a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;
- (b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;
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- (d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

1. The Commission considered agenda item 21 at its 4th meeting, on 12 March, at its 55th meeting, on 10 April, at its 59th to 61st meetings, on 14 April, and at its 70th meeting, on 18 April 1997. 1/

2. For the documents issued under agenda item 21, see annex .. to the present report. For a list of resolutions and decisions adopted by the Commission and statements by the Chairman, see annex .. to the present report.

3. At the 4th meeting, on 12 March 1997, the expert appointed by the Secretary-General to study the impact of armed conflict on children, Ms. Graça Machel, addressed the Commission.

4. At the 55th meeting, on 10 April 1997, the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos, introduced her reports (E/CN.4/1997/95 and Add.1-2).

5. At the same meeting, the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, Mr. Nils Eliasson, and the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, Mr. Jorge Iván Mora Godoy, introduced the reports of the respective working groups on their third session (E/CN.4/1997/96 and E/CN.4/1997/97).

6. In the general debate on agenda item 21, statements 2/ were made by the following members of the Commission: Argentina (61st), Bangladesh (59th), China (61st), Cuba (61st), Egypt (59th), Ethiopia (59th), Germany (59th), Indonesia (61st), Japan (61st), Malaysia (61st), Netherlands (on behalf of the European Union and Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) (55th),

Nicaragua (61st), Pakistan (61st), Philippines (61st), Republic of Korea (59th), Russian Federation (61st), Sri Lanka (59th), Uganda (55th), United States of America (61st), Uruguay (61st).

7. The Commission heard statements by the observers for: Australia (59th), Belgium (60th), Costa Rica (60th), Holy See (60th), Honduras (59th), Iraq (59th), Israel (61st), Kenya (61st), Malta (59th), New Zealand (61st), Norway (61st), Peru (59th), Poland (61st), Romania (60th), Switzerland (61st), Tunisia (61st).

8. Statements were also made by the observers for the International Committee of the Red Cross (60th), the International Labour Organization (61st), the Office of the United Nations High Commissioner for Refugees (60th) and UNAIDS (60th).

9. The Commission also heard statements by the following non-governmental organizations: All China Women's Organization (60th), Christian Democrat International (61st), Commission for the Defence of Human Rights in Central America (60th), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (61st), Friends World Committee for Consultation (Quakers) (60th), International Association for the Defence of Religious Liberty (60th), International Association of Educators for World Peace (60th), International Federation of Red Cross and Red Crescent Societies (59th), International Federation of Social Workers (60th), International Federation of Women Lawyers (60th), International League for Human Rights (61st), International Movement for Fraternal Union among Races and Peoples (60th), International Save the Children Alliance (60th), Pax Christi International (60th), Transnational Radical Party (60th), United Towns Agency for North-South Cooperation (60th), World Federation of Methodist and Uniting Church Women (on behalf of All India Women's Conference, Anti-Slavery International, Associated Country Women of the World, Association for World Peace, Change, Defence for Children International, Education International, International Abolitionist Federation, Inter-African Committee on Traditional Practices affecting the Health of Women and Children, International Alliance of Women - Equal Rights, Equal Responsibilities, International Baccalaureate Organization, International Council of Women, International Council of Jewish Women, International Council on Social Welfare, International Federation of Social Workers, International Movement ATD Fourth World, International Pen, International Women's Tribune Centre, Lutheran World Federation, National

Council of German Women's Organizations - Federal Union of Women's Organizations, Socialist International Women, Soroptimist International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Conference on Religion and Peace, World Union of Catholic Women's Organizations, World Vision International, Zonta International, World Young Women's Christian Association, World Federation of United Nations Associations (60th), World Organization against Torture (60th), World Peace Council (60th).

(a) Status of the Convention on the Rights of the Child

10. In the general debate on agenda item 21 (a), statements 2/ were made by the following members of the Commission: Bangladesh (59th), Brazil (59th), China (61st), Cuba (61st), Dominican Republic (55th), Ethiopia (59th), Japan (61st), Indonesia (61st), Malaysia (61st), Nepal (59th), Netherlands (on behalf of the European Union and Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) (55th), Philippines (61st), Russian Federation (61st), Sri Lanka (59th), Uganda (55th).

11. The Commission heard statements by the observers for: Honduras (59th), Israel (61st), Kenya (61st), Morocco (61st), New Zealand (61st), Norway (61st), Romania (60th), Switzerland (61st), Tunisia (61st).

12. A statement was also made by the observer for UNAIDS (60th).

13. The Commission also heard statements by the following non-governmental organizations: All China Women's Federation (60th), World Organization against Torture (60th).

(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

14. In the general debate on agenda item 21 (b), statements 2/ were made by the following members of the Commission: Argentina (61st), Bangladesh (59th), Czech Republic (55th), Egypt (59th), Germany (59th), Netherlands (on behalf of the European Union and Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia) (55th), Pakistan (61st), Republic of Korea (59th), Sri Lanka (59th),

15. The Commission heard statements by the observers for Norway (61st) and Tunisia (61st).

16. The Commission also heard statements by the following non-governmental organization: World Federation of Methodist and Uniting Church Women (60th).

(c) Programme of Action for the Elimination of the
Exploitation of Child Labour

17. In the general debate on agenda item 21 (c), statements 2/ were made by the following members of the Commission: Argentina (61st), Brazil (59th), China (61st), Indonesia (61st), Japan (61st), Malaysia (61st), Nepal (59th), Pakistan (61st), Philippines (61st), United States of America (61st).

18. The Commission heard statements by the observers for: Australia (59th), Belgium (60th), Norway (61st), Poland (61st).

19. A statement was also made by the observer for the International Labour Organization (61st).

20. The Commission also heard statements by the following non-governmental organizations: Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (61st), Indian Council of Education (61st), International Confederation of Free Trade Unions (60th), International Institute for Non-Aligned Studies (60th), International Progress Organization (60th), Transnational Radical Party (60th).

(d) Question of a draft optional protocol to the Convention on the
Rights of the Child on the sale of children, child prostitution
and child pornography, as well as the basic measures needed for
their prevention and eradication

21. In the general debate on agenda item 21 (d), statements 2/ were made by the following members of the Commission: Argentina (61st), Bangladesh (59th), Brazil (59th), China (61st), Cuba (61st), Egypt (59th), Germany (59th), Indonesia (61st), Japan (61st), Malaysia (61st), Nepal (59th), Nicaragua (61st), Pakistan (61st), Republic of Korea (59th), Russian Federation (61st), Sri Lanka (59th).

22. The Commission heard statements by the observers for: Australia (59th), Belgium (60th), Costa Rica (60th), Holy See (60th), Morocco (61st), New Zealand (61st), Norway (61st), Peru (59th), Switzerland (61st), Tunisia (61st).

23. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (60th), International Federation of Women Lawyers (60th), International Institute for Non-Aligned Studies (60th), International Progress Organization (60th)

Rights of the child

24. At the 70th meeting, on 18 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.102/Rev.1, sponsored by

Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Zambia. Angola, Belarus, Benin, Bolivia, Bulgaria, Croatia, Equatorial Guinea, Estonia, Haiti, India, Japan, Latvia, Madagascar, Malta, Nepal, Nigeria, the Philippines, the Republic of Korea, the Russian Federation, Senegal, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine and Zimbabwe subsequently joined the sponsors.

25. The representative of the Netherlands orally revised the draft resolution by replacing, in operative paragraph 3 (b), "disabled children" by "children with disabilities".

26. The amendments to draft resolution E/CN.4/1997/L.102/Rev.1, proposed by the delegation of the Philippines (E/CN.4/1997/L.111), were withdrawn. The proposed amendments read as follows:

"1. Notes, with concern, the large numbers of children who have become disabled physically or mentally, or both, as a consequence, inter alia, of poverty, disease, disasters, armed conflict and all forms of violence;

"2. Recognizes the need for special attention to be directed towards children with disabilities and their families or other caretakers;

"3. Invites Governments, concerned United Nations specialized bodies and agencies including the United Nations Children's Fund, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, and non-governmental organizations, especially of persons with disabilities, to conduct awareness-raising activities with a view to combatting and overcoming discrimination directed against children with disabilities, and to continue to mainstream children with disabilities in their respective programme activities;

"4. Emphasizes the right of children with disabilities to education and to the enjoyment of the highest attainable standard of physical and mental health and urges Governments to ensure provision of equal access to schools and to comprehensive health services and the adoption of holistic approaches

towards the total well-being of all children with disabilities, particularly children at highest risk, including refugees, displaced children, migrant children, children living in settings of violence and its immediate aftermath, those living in disaster areas, street children and children in squatter colonies;

"5. Requests the Committee on the Rights of the Child, in monitoring the implementation of the Convention on the Rights of the Child, to pay attention to the special needs of children with disabilities, and requests the Special Rapporteur on the sale of children, child prostitution and child pornography, within the framework of her mandate, to include information on children with disabilities in her report to the Commission at its fifty-fourth session."

27. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

28. The draft resolution, as orally revised, was adopted without a vote. The representative of Uruguay made a statement in connection with the resolution after its adoption.

29. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/78.
